

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

FEBRUARY 17, 2009

Study Session

City Manager Jon Crusey opened the Study Session at 6:33 p.m. on this date.

Roll Call

Council Members in attendance included: William D. Beagle, George H. Lovett, President Patrick A. Hale, John E. Kessler, Dolores Gillis, and Mayor Tim Evans. Others in attendance included: Law Director Joseph P. Moore, Finance Director Richard Drennen, Utilities Director Mo Eichman, Assistant Utilities Director Christy Butera, City Engineer Scott Vagedes, Assistant City Manager Bradley Vath, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Cathy Ross.

**Discussion –
Water Tower**

Mr. Eichman reviewed with City Council the attached PowerPoint presentation regarding the Water Tower Project. He noted that the field has been narrowed to two firms to do the study and that a big consideration will be the logo placed on the water towers. Council was also informed that this project has been included in the possibilities for the stimulus package. Council concurred with staff and requested that legislation be included at the next meeting.

TFAC Rates

City Manager Crusey reviewed the attached PowerPoint presentation regarding rates for the 2009 season at the Tippecanoe Family Aquatic Center. Mr. Crusey recommended that Council raise the cost of the daily admission and punch passes, but keep the season pass rate the same as it was in 2008. Council agreed with Mr. Crusey's recommendation.

Junior Baseball Lease

Mr. Vagedes reviewed with City Council the attached PowerPoint presentation regarding a lease with Tipp City Junior Baseball. This 10 year lease includes a 35' x 31' storage building to be built by Junior Baseball, donated to the City, and leased back to Junior Baseball. Major points of the lease were discussed including utility services and maintenance of the diamonds. A resolution was included on the agenda.

Mr. Kessler informed City Council and Staff that Pee Wee Football would most likely be approaching the City regarding the possibility of building a football field in Kyle Park. It was noted that Pee Wee Football representatives should first discuss this item with the Parks Advisory Board.

Adjournment

The study session concluded at 7:30 p.m.

Patrick A. Hale, President of Council

Attest: _____
Cathy Ross, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

FEBRUARY 17, 2009

Roll Call

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:30 p.m. Roll call showed the following Councilmembers present: William D. Beagle, Mayor Tim E. Evans, George H. Lovett, President Patrick A. Hale, Dolores Gillis, and John E. Kessler.

Others in attendance: City Manager Jon Crusey, Law Director Joseph P. Moore, Finance Director Richard Drennen, City Engineer Scott Vagedes, Assistant City Manager Bradley C. Vath, Director of Utilities Mo Eichman, Assistant Director of Utilities Christy Butera, Detective Gary Gulden, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Cathy Ross.

Guests signing the register included: Steven Chaney, Terry Naas, Sean Daniel, John Berbach, Robert Blakey, and Paul Collins.

Invocation and Pledge of Allegiance

Mayor Tim Evans delivered the invocation and President Hale led the Pledge of Allegiance.

Excuse Councilmember Absence

Mayor Evans made a motion to excuse Mrs. Blakey from the meeting. Motion was seconded by President Hale and unanimously approved.

Approval of Agenda Amendment

President Hale made a motion to amend the agenda by adding item B from the Presentations, Proclamations & Awards section of the agenda, Swearing in of Board Members, seconded by Mr. Beagle and unanimously approved.

Approval of Agenda

The amended agenda was approved with a motion from President Hale, seconded by Mayor Evans.

Adoption of Minutes

Mr. Lovett moved, seconded by Mrs. Gillis, to approve the minutes of the February 2, 2009 Pre-Meeting Study Session. The motion carried 6-0.

Mr. Lovett moved, seconded by President Hale, to approve the minutes of the February 2, 2009 Meeting. The motion carried 6-0.

Presentations, Proclamations, and Awards

Mayor Evans named March, 2009 as Mental Retardation and Developmental Disabilities Month and presented a proclamation to Terry Naas from Riverside.

Oath of Office

Robert Blakey was sworn in as a member of the Board of Tax Appeals by Mayor Evans.

Ordinance (Second Reading)

The following ordinances were presented to City Council for adoption.

Ordinance 04-09 Issuance and Sale of Notes

Ordinance 04-09: An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$1,650,000, in anticipation of the issuance of bonds, for the purpose of paying (I) the City's portion of the costs of improving County Road 25A between certain termini within the City in

cooperation with the Director of Transportation of the State of Ohio by paving, draining and constructing curbs, gutters and necessary approaches, together with all necessary appurtenances thereto and (II) the costs of extending Kinna Drive both northerly and southerly from the current termini, by excavating, grading, draining, paving, and curbing, installing street lighting, water lines and storm and sanitary sewer lines, fire protection systems and electric lines, together with all necessary appurtenances thereto.

Clerk of Council Summary: The City has \$1,650,000 in notes maturing on April 22, 2009. This note issuance will be used to retire the outstanding notes with the balance of \$25,000 being taken from the Capital Improvement Reserve Fund.

City Manager Report: The previous construction of CR 25-A and the current extension of Kinna Drive are partly financed by the issuance of short-term debt, or 1-year bond anticipation notes. Annually, on the anniversary date of the issuance of the notes, the City must refinance, or rollover, its outstanding notes until such debt is taken long, or financed with long-term debt. The City's bond counsel has prepared this legislation for the sale of the CR-25A note (\$550,000) and the Kinna Drive Extension note (\$1,100,000). At completion of the Kinna Drive Extension project, that note will be offset by \$500,000 from the Ohio Department of Development and \$210,000-\$250,000 from the private developer. Bond anticipation notes in the amount of \$1,650,000 are scheduled to be sold on April 8, 2009 with the closing taking place April 22, 2009.

There being no further discussion, Mr. Beagle sponsored this ordinance and moved for its adoption, seconded by Mr. Lovett. The motion carried with a 6-0 vote. Ordinance 04-09 was declared passed and President Hale affixed his signature in witness thereto.

**Resolutions
(One Reading Required)**

The following resolutions were presented to City Council for adoption.

**Resolution 08-09
Uptown Services LLC**

Resolution No. 08-09: A resolution authorizing a contract with Uptown Services LLC for an automatic meter reading & advanced metering systems study at a not to exceed cost of \$30,000.

Clerk of Council Summary: This resolution authorizes a contract with Uptown Solutions for the study of a new utility metering system.

City Manager Report: Statements of qualifications were received from interested firms on December 3, 2008 and Uptown Services was selected as the most qualified. The purpose of the study is to identify all metering and technological applications that are available and to recommend the best and most cost effective solution for Tipp City. Benefits of an automatic meter reading / smart grid system are: reduced expenses for meter reading and disconnects / reconnects, ability to implement conservation measures through time of use billing, and improved customer service through better outage management and utilizing tools to make customers aware of their usage.

There being no further discussion, Mayor Evans sponsored this resolution and moved for its adoption, seconded by Mr. Lovett. The motion carried with a 6-0 vote. Resolution 08-09 was declared passed and President

Hale affixed his signature in witness thereto.

Resolution 09-09

Purchase of Bucket Truck

Resolution No. 09-09: A resolution authorizing the City Manager to purchase one single bucket truck for the Electric Department from Dueco, Inc. at a cost not to exceed \$127,972.00 through the State of Ohio Cooperative Purchasing Program..

Clerk of Council Summary: This resolution authorizes the purchase of a single bucket truck for the Electric Department, through the State of Ohio Cooperative Purchasing program.

City Manager Report: This resolution authorizes the City Manager to purchase a Single Bucket Truck through the State of Ohio Cooperative Purchasing Program for the Electric Department at a cost not to exceed \$127,972. City Council appropriated \$155,000 in the Electric Fund for the purchase of replacement vehicle. This resolution also declares the 1999 International 4900 bucket truck to be surplus property and authorizes the City Manager to sell it at public sale to the highest bidder, to trade-in or dispose of in the most beneficial means.

Mr. Kessler sponsored this resolution and moved for its adoption, seconded by Mr. Beagle. The motion carried with a 6-0 vote. Resolution 09-09 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 10-09

Lease Agreement with
Junior Baseball

Resolution No. 10-09: A resolution to authorize a lease agreement with Tipp City Jr. Baseball Board for use of certain municipal property within Kyle Park pursuant to the terms and conditions as defined in said agreement.

Summary: A 10 year lease agreement between the City of Tipp City and Tipp City Junior Baseball for a new storage building at the Kyle Park baseball fields.

City Manager Report: This resolution authorizes the City Manager to enter into a lease agreement with Tipp City Junior Baseball (TCJB). TCJB wishes to construct a 31'x 35' storage building attached to the existing restroom facility at Kyle Park at an estimated cost of \$40,000. The foundation and footers for such an addition were constructed by the City in conjunction with the construction of the restroom facility. The storage building would be donated to the City of Tipp City following its construction and leased back to TCJB for a ten year period with an option to renew for an additional 10 years. The agreement also approves the use of 10 of the 12 fields by TCJB, with TCJB being responsible for the purchase of brick dust/clay for the fields.

Mr. Beagle made a motion to amend the lease agreement attached with this Resolution as follows: page 2, #4 Utility Services second paragraph should read: "In November of each year, thereafter, the CITY COUNCIL shall notify". Mr. Kessler seconded the motion and it carried with a 6-0 vote.

Mrs. Gillis sponsored this resolution and moved for its adoption, seconded by President Hale. The motion carried with a 6-0 vote. Resolution 10-09 was declared passed and President Hale affixed his signature in witness

Resolution 11-09
Support of DTTCP Ohio
Main Street Application

thereto.

Resolution No. 11-09: A resolution to adopt the Solid Waste Management Plan for the Miami County Solid Waste Management District.

Clerk of Council Summary: This resolution provides Tipp City's support for the Miami County Solid Waste Management Plan.

City Manager Report: This resolution provides Tipp City's support for and approval of the Miami County Solid Waste Management Plan. The Plan is required by the Ohio Revised Code to be updated every five years. Sixty percent of the population of the District must approve the plan, with Troy's approval being mandatory. Approvals must be ratified by the end of March. Of most impact to the residents of Tipp City is the proposed schedule of tipping fees at the Miami County Transfer Station, which is expected to increase from the current rate of \$54.30/ton to \$64.00/ton in 2019.

Mr. Kessler asked the difference between a subscription and non-subscription to the recycling plan. City Manager Crusey stated that Tipp City has mandatory subscription, which means residents will pay for recycling whether they participate or not.

There being no further discussion, Mr. Lovett sponsored this resolution and moved for its adoption, seconded by Mr. Beagle. The motion carried. Resolution 11-09 was declared passed and President Hale affixed his signature in witness thereto.

Ordinances
(First Reading)
Annexation Petition

Mr. Beagle sponsored an ordinance authorizing and directing the Law Director to file the Annexation Petition for City and County owned property (ROW) with the Miami County Commissioners.

Clerk of Council Summary: A total of +/-1.746 acres of dedicated right-of-way will be annexed into the corporate limits of the City of Tipp City.

City Manager Report: This ordinance authorizes the Law Director to file an annexation petition with the Miami County Commissioners for the annexation of 1.746 acres of right-of-way along CR 25-A between SR 571 and the Meijer Distribution Center. The purpose of this annexation is to reduce jurisdictional confusion regarding the provision of public services (i.e. snow plowing, police protections, etc.)

Overgrown Grass

President Hale sponsored an ordinance amending Code §94.62 Nuisance Mowing of Grass Overgrowth and Noxious Weeds within the City.

Clerk of Council Summary: This ordinance changes the requirements for the City to mow overgrown grass and weeds within the City limits.

City Manager Report: In response to Council's adoption of Resolution 6-09 eliminating certain costs from the City's budget, this amended ordinance would make the City's enforcement of its grass and weed ordinances discretionary rather than mandatory. Council, by adoption of Resolution 6-09, has declared that the City will not enforce the Cutting Weed and Grass provision that mandates the City Manager to cause grass overgrowth and

Wind Energy
Conservation Systems

noxious weeds to be cut and invoiced to the property owner of record when said owner fails to comply with the published notice. However, since the amended ordinance would be discretionary, City Council would have the ability to commence enforcement of this provision at any time.

Mayor Evans sponsored an ordinance modifying Sections 154.040, 154.057, and 154.120 and adopting Chapter 157 of the Tipp City, Ohio Code of Ordinances to provide the zoning requirements for the utilization of Wind Energy Conservation Systems

Clerk of Council Summary: This ordinance adopts and implements a Wind Ordinance for Tipp City as recommended by Planning Board at its November 12, 2008 meeting.

City Manager Report: This ordinance would adopt zoning regulations regarding Wind Energy Conversion Systems (WECS), which closely mirrors the telecommunications ordinance. The purpose of this ordinance is to ensure that the construction or modification of wind energy conversion systems is consistent with the City's land use policies and addresses issues such as height of towers, visibility, safety & security, ice throw, fire hazards, setbacks, noise, and shadow flicker. City Council previously reviewed this ordinance at a November 17, 2008 Study Session. The Planning Board reviewed this ordinance during several workshops and conducted a public hearing on the proposed ordinance at its November 12 meeting. The Planning Board has recommended approval of this ordinance.

Solar Energy Systems

Mr. Kessler sponsored an ordinance adopting Section §154.061(Q) of the Tipp City, Ohio Code of Ordinances to provide the zoning requirements for the utilization of Solar Energy Systems.

Clerk of Council Summary: This ordinance would implement a Solar Ordinance for the City of Tipp City requiring an approved Zoning Compliance Permit prior to construction as recommended by the Planning Board at its November 12, 2008 meeting.

City Manager Report: This ordinance would adopt zoning regulations regarding Solar Energy Systems. The proposed ordinance defines solar energy terminology, permits both ground and roof-mounted solar energy systems as permitted accessory structures in residential districts, and requires site plan review for all non-residential applications. City Council previously reviewed this ordinance at a November 17, 2008 Study Session. The Planning Board reviewed this ordinance during several workshops and conducted a public hearing on the proposed ordinance at its November 12 meeting. The Planning Board has recommended approval of this ordinance.

Chapter 37 Amendment

Mr. Lovett sponsored an ordinance amending Chapter 37 Appendix "A" and "B" of the codified ordinances of the City of Tipp City concerning benefit schedules for certain City employees not covered by a collective bargaining agreement.

Clerk of Council Summary: This ordinance will provide for a 2.0% cost of living adjustment for Chapter 37 employees, to be paid in a lump sum in February, 2010 and February, 2011.

City Manager Report: This ordinance would enact a 2%, lump sum cost of living increase for eligible employees covered by Chapter 37 of the Tipp City Code of Ordinances. The lump sum payments would be made in February 2010 for wages earned between February 8, 2009 and February 6, 2010 and in February 2011 for wages earned between February 7, 2010 and February 5, 2011. An employee who leaves the employ of the City during this time will receive a payment of 2% wages earned up to the date of termination. This ordinance also recognizes the positions of Water Treatment Plant Supervisor, which was previously covered under the Foreman position. This is a name change only and does not involve a change in pay classification.

Citizen Comments

Sean Daniels, 618 Rohrer Dr., thanked Messrs. Crusey, Asher, Vagedes, and Spring for their assistance in building the storage facility in Kyle Park for Tipp City Junior Baseball. He also thanked Council for approving the lease agreement and stated that this building would eliminate the need for the temporary storage facilities and will improve the appearance in Kyle Park. He added his thanks to Board Members and players for their assistance with this project.

Councilmember Comments

Mr. Lovett noted that he and City Manager Crusey would be in Washington, D.C. next week at an American Public Power Association meeting and would report back at an upcoming meeting.

President Hale informed Councilmembers that representatives from the Miami County Commissioners would be at the next Tri-Agency Meeting on March 30, 2009.

City Manager Comments

Mr. Crusey reminded Council that Hometown Connections would be at the Government Center on Wednesday, February 17th and would appreciate having a representative from Council at the meeting. Mrs. Gillis noted that she would be attending.

Adjournment

There being no further business, it was moved by Mr. Kessler, seconded by Mr. Lovett, that the meeting be adjourned. The motion unanimously carried. President Hale declared the meeting adjourned at 8:00 p.m.

Patrick A. Hale, President of Council

Attest: _____
Cathy Ross, Clerk of Council